

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|-----------------------|---|------------------------|
| ERIC SOUVANNAKANE , |) | |
| Plaintiff |) | |
| |) | |
| SEARS ROEBUCK & CO. , |) | |
| WILLIAM SULLIVAN , |) | |
| RICHARD SPELLMAN |) | C. A. No. 04-12164-MLW |
| BARBARA TAGLIARINO , |) | |
| KEVIN SULLIVAN , |) | |
| ALICIA COVIELLO , and |) | |
| GARY MANSFIELD |) | |
| Defendants |) | |

ORDER

WOLF, D.J.

September 29, 2005

For the reasons stated in court on September 29, 2005, it is hereby ORDERED that:

1. The Motion of Defendants Sears, Roebuck and Co., William Sullivan, Richard Spellman, Barbara Tagliarino, and Kevin Sullivan to Dismiss Plaintiff's Complaint (Docket No. 9) and the Motion of Defendant Alicia Coviello to Dismiss Plaintiff's Complaint (Docket No. 15) are DENIED in part and ALLOWED in part. With respect to Counts IV and V of the plaintiff's complaint, the motions are ALLOWED. With respect to Counts I, II, III, and VI, the motions are DENIED.

2. The Assented to Motion of Defendants Sears, Roebuck and Co., William Sullivan, Richard Spellman, Barbara Tagliarino, Alicia Coviello, and Kevin Sullivan for Leave to File a Reply Brief (Docket No. 16) is ALLOWED.

3. The parties shall comply with the attached Scheduling Order.

/s/ MARK L. WOLF
UNITED STATES DISTRICT JUDGE